

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC.,

No. C 08-05780 JW (JCS)

Plaintiff(s),

**NOTICE OF REFERENCE, TIME
AND PLACE OF HEARING**

v.

POWER VENTURES, INC.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for resolution of Plaintiff's Motions to Compel [docket nos. 129 and 139], and any further discovery disputes.

A telephonic planning conference to plan argument on Plaintiff's Motions to Compel is set for **October 25, 2011, at 2:00 p.m.** Lead trial counsel must attend. The Court will initiate the phone contact.

The hearing on Plaintiff's Motions to Compel has been set for **November 4, 2011, at 1:30 p.m.**, in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California. Lead trial counsel must attend in person.

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is heard on Friday mornings at 9:30 a.m., in Courtroom G, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

In the event a **future discovery dispute** arises, IT IS HEREBY ORDERED that before filing any discovery motion before this Court, the parties must comply with the following:

1. Lead trial counsel for both parties must meet and confer *in person* regarding the matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute,

1 such as telephone, e-mail, teleconference, or correspondence, have been
2 unsuccessful. Once those efforts have proved unsuccessful, any party may demand a
3 meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall
4 occur within ten (10) calendar days of the demand. The locations of the meetings
5 shall alternate. The first meeting shall be at a location selected by counsel for
6 Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a
7 location to be determined by counsel for Defendant(s), etc.

8 2. Within five (5) calendar days of the in-person meeting between lead trial counsel
9 referred to above, the parties shall jointly file a detailed letter with the Court, not to
10 exceed ten (10) pages without leave of Court, which will include the matters that
11 remain in dispute, a detailed substantive description of each side's position on each
12 such issue, and a description of each side's proposed compromise on each such issue.

13 3. After the Court has received the joint letter, the Court will determine what future
14 proceedings, if any, are necessary.

15 In the event that the parties continue to be unable to resolve the matters regarding the timing
16 and scope of discovery, the Court will consider what future actions are necessary. These actions
17 may include the following: (1) sanctions against a party failing to cooperate in the discovery process
18 and meet and confer in good faith, as required by this Order, the Federal Rules of Civil Procedure,
19 and the Local Rules of this Court; and/or (2) requiring the Chief Executive Officers of each party to
20 attend the in-person, meet-and-confer sessions described above. The Court is not entering either of
21 these matters as an Order of the Court at this time, and fully expects counsel to meet their
22 obligations under this Order and under the Local Rules.

23 A party or counsel has a continuing duty to supplement the initial disclosure when required
24 under Fed. R. Civ. P. 26(e)(1).

25 Law and motion matters may be submitted without argument upon stipulation of the parties
26 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L.
27 R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the
28 date for service of the opposition. Thereafter, leave of the Court must be sought.

ELECTRONIC FILING AND COURTESY COPIES

Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of California for information relating to electronic filing procedures and requirements.

BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to the undersigned shall list the civil case number and the district court judge's initials, followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Fed. R. Civ. P. 16(f).

IT IS SO ORDERED.

Dated: October 24, 2011


JOSEPH C. SPERO
United States Magistrate Judge